THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.775 of 2007

Dated:05.03.2007

Between:

Sri Balja Santhosh and others.

…Petitioners

and

The Collector, Karimnagar District, and others.

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.775 of 2007

ORDER:

The three petitioners were allegedly assigned lands in July 1996 admeasuring Acs.2.30 guntas, Acs.2.00 and Acs.2.00 respectively. The said land is comprised in Survey No.478 situated at Koratla Village. It is further alleged that the then Mandal Revenue Officer handed over possession of the land, that they are cultivating and in possession of the same. On 05.01.2007 the third respondent came along with the staff and measured the land informing that the petitioners will be dispossessed from the land. Therefore, they filed the present Writ Petition contending that when some third parties interfered with their possession, the first petitioner filed O.S.No.135 of 2005 and petitioners 2 and 3 filed O.S.Nos.136 and 137 of 2005 on the file of the Court of the Junior Civil Judge, Metpally, and even while the suits are pending, the third respondent is interfering with their possession.

At the stage of admission itself, the third respondent filed a counter affidavit opposing the Writ Petition and denying all the allegations made by the petitioners. In the counter affidavit it is stated that the petitioners were never assigned any land. The land was assigned prior to 1996 in favour of ten persons whose names were also reflected in the pahanies. The names of the petitioners were found in pahani for the year 2001-2002 striking of the names of the

earlier assignees and after verifying the records, it was found that the petitioners were never assigned the land and they were not in possession of the same. It is also stated that the third respondent inspected the land as it is proposed for assignment to poor persons under Rajiv Gruha Kalpa scheme. The petitioners were given opportunity to produce valid documents, but they failed to do so. The allegation that the petitioners were in occupation is denied further stating that the petitioners are obstructing the Government Officials while they are taking steps for providing house sites to the identified eligible persons.

Though counter affidavit is filed, no reply affidavit is filed denying the counter averments. Therefore, this Court proceeds on the premise that various counter averments stand admitted. In view of this, this Court is not able to countenance the submission of the petitioners that they are in possession of the land or were assigned the land in their favour. When the assigning authority files a sworn affidavit before this Court that the petitioners were never assigned the land and they are not in possession of the land, the enquiry must stop there.

The Writ Petition is accordingly dismissed. No costs.

_____

(V.V.S.RAO, J)

05.03.2007
vs